

99B.53 Electrical or mechanical amusement devices — registration required.

1. In addition to the requirements of [section 99B.52](#), an electrical or mechanical amusement device in operation or distributed in this state that awards a prize where the outcome is not primarily determined by skill or knowledge of the operator shall be registered by the department as provided in [this section](#).

2. Except as provided in [subsection 3](#), an electrical or mechanical amusement device requiring registration may be located on premises for which a class “C”, special class “C”, class “D”, or class “F” retail alcohol license has been issued pursuant to [chapter 123](#).

3. *a.* An electrical or mechanical amusement device requiring registration may be located on premises for which a class “B” or class “E” retail alcohol license has been issued pursuant to [chapter 123](#), but the department shall not initially register an electrical or mechanical amusement device to an owner or distributor for a location for which a class “B” or class “E” retail alcohol license has been issued pursuant to [chapter 123](#) on or after April 28, 2004.

b. A distributor that owns an amusement device at a location for which only a class “B” or class “E” retail alcohol license has been issued pursuant to [chapter 123](#) shall not relocate an amusement device registered as provided in [this section](#) to a location other than a location for which a class “C”, special class “C”, class “D”, or class “F” retail alcohol license has been issued and shall not transfer, assign, sell, or lease an amusement device registered as provided in [this section](#) to another person for which only a class “B” or class “E” retail alcohol license has been issued pursuant to [chapter 123](#) after April 28, 2004.

c. If ownership of the location changes, the class “B” or class “E” retail alcohol license does not lapse, and the device is not removed from the location, the device may remain at the location.

4. An electrical or mechanical amusement device required to be registered and at a location for which only a class “B” or class “E” retail alcohol license has been issued pursuant to [chapter 123](#) shall include on the device a security mechanism which prevents the device from being operated by a person until action is taken by the owner or owner’s designee to allow the person to operate the device.

5. No more than four electrical or mechanical amusement devices registered as provided in [this section](#) shall be permitted or offered for use in any single location or premises meeting the requirements of [this section](#).

6. The total number of electrical or mechanical amusement devices registered by the department under [this section](#) shall not exceed six thousand nine hundred twenty-eight.

7. Each person owning an electrical or mechanical amusement device in this state shall submit annually an application form designated by the department that shall contain the information required by the department by rule and a fee of twenty-five dollars for each device required to be registered. If approved, the department shall issue an annual registration tag.

8. A new amusement device registration tag shall be obtained if electronic or mechanical components have been adapted, altered, or replaced and such adaptation, alteration, or replacement changes the operational characteristics of the amusement device including but not limited to the game being changed. The amusement device shall not be placed into operation prior to obtaining a new amusement device registration tag.

9. An electrical or mechanical amusement device required to be registered under [this section](#) shall only be leased or purchased from a manufacturer or distributor registered with the department under [section 99B.56](#).

10. A person owning or leasing an electrical or mechanical amusement device required to be registered by [this section](#) shall display the registration tag as required by rules adopted by the department.

11. A person owning or leasing an electrical or mechanical amusement device required to be registered by [this section](#) shall not allow the electrical or mechanical amusement device to be operated or made available for operation with an expired registration.

12. A person or employee of a person owning or leasing an electrical or mechanical amusement device required to be registered by [this section](#) shall not advertise or promote the availability of the device to the public as anything other than an electrical or mechanical amusement device pursuant to rules adopted by the department.

13. A person owning or leasing an electrical or mechanical amusement device required to be registered by [this section](#) shall not relocate and place into operation an amusement device in any location other than a location which has been issued an appropriate retail alcohol license in good standing and to which the device has been appropriately registered with the department.

14. A counting mechanism which establishes the volume of business of the electrical or mechanical amusement device shall be included on each device required to be registered by [this section](#). The department and the department of public safety shall have immediate access to the information provided by the counting mechanism.

15. An electrical or mechanical amusement device required to be registered as provided by [this section](#) shall not be a gambling device, as defined in [section 725.9](#), or a device that plays poker, blackjack, or keno.

[2015 Acts, ch 99, §44; 2022 Acts, ch 1099, §97, 102](#)

Referred to in [§99.1A, 99B.1, 99B.51, 99B.52, 99B.54, 99B.55, 99B.56, 99B.57, 99B.58, 805.8C\(4\)\(a\)](#)

2022 amendment to subsections 2, 3, 4, and 13 effective January 1, 2023; 2022 Acts, ch 1099, §102
Subsections 2, 3, 4, and 13 amended